

AMENDED IN ASSEMBLY AUGUST 23, 2004

**SENATE BILL**

**No. 1778**

**Introduced by Senator Ducheny**

February 20, 2004

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~~An act to amend Section 18021.7 of the Health and Safety Code, relating to mobilehomes. An act to add and repeal Section 47612.2 of the Education Code, relating to charter schools.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1778, as amended, Ducheny. ~~Mobilehomes~~ *Charter schools: average daily attendance.*

*The Charter Schools Act of 1992 provides that average daily attendance may not be generated by a pupil over 19 years of age who is not continuously enrolled in public school and making satisfactory progress toward a high school diploma.*

*This bill would provide that a pupil who is between 19 and 21 years of age, inclusive, is eligible to generate apportionments for a charter school upon enrollment and remains eligible for that purpose if he or she remains continuously enrolled in the school and is making satisfactory progress towards obtaining a high school diploma. The bill would repeal this provision on January 1, 2009.*

~~Existing law authorizes the Department of Housing and Community Development to issue a citation assessing a civil penalty on a mobilehome, manufactured home, and commercial coach dealer who commits prescribed unlawful acts. The citation must be issued no later than 6 months after discovery of the violation.~~

~~This bill would allow the citation to be issued no later than one year after discovery of the violation.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Section 18021.7 of the Health and Safety Code~~  
2     SECTION 1. Section 47612.2 is added to the Education Code,  
3     to read:  
4     47612.2. (a) Notwithstanding subdivision (b) of Section  
5     47612, on and after January 1, 2005, a pupil who is a California  
6     resident between 19 and 21 years of age, inclusive, is eligible to  
7     generate apportionments for a charter school upon enrollment and  
8     remains eligible for that purpose if he or she remains continuously  
9     enrolled in the school and is making satisfactory progress towards  
10    obtaining a high school diploma.  
11    (b) A charter school shall be in good standing with the  
12    department in order to receive the apportionments authorized by  
13    this section.  
14    (c) The number of pupils eligible for the average daily  
15    attendance apportionment pursuant to this section is subject to an  
16    enrollment growth cap of 2.5 percent each year.  
17    (d) This section does not affect the apportionments generated  
18    by a pupil 19 years of age or older that are enrolled in a charter  
19    school prior to January 1, 2005. That pupil may continue to attend  
20    the charter school and generate that same apportionment until his  
21    or her graduation from the charter school.  
22    (e) This section does not affect the apportionments generated  
23    by a pupil enrolled in programs that provide instruction pursuant  
24    to Section 47612.1.  
25    (f) This section is operative only until July 1, 2008, and as of  
26    January 1, 2009, is repealed, unless a later enacted statute, that  
27    is enacted before January 1, 2009, deletes or extends the dates on  
28    which it becomes inoperative and is repealed.  
29    ~~is amended to read:~~  
30    ~~18021.7. (a) (1) In addition to other remedies provided in~~  
31    ~~this part, the Director of Housing and Community Development~~  
32    ~~or his or her designee may issue a citation that assesses a civil~~  
33    ~~penalty payable to the department to any licensee who violates~~  
34    ~~Section 18021.5, 18029.6, or 18030, subdivision (b) of Section~~  
35    ~~18032, Section 18035, 18035.1, 18035.2, 18035.3, 18036, 18039,~~

1 ~~18045, 18045.5, 18045.6, 18046, or 18058, subdivision (a) of~~  
2 ~~Section 18059, subdivision (b) of Section 18059.5, subdivision (c)~~  
3 ~~of Section 18060, subdivision (c) of Section 18060.5, Section~~  
4 ~~18061, subdivision (d), (i), or (j) of Section 18061.5, subdivision~~  
5 ~~(a) or (b) of Section 18062, subdivision (a), (b), (d), (e), (f), (g),~~  
6 ~~or (h) of Section 18062.2, subdivision (c) of Section 18063, or~~  
7 ~~Section 18080.5.~~

8 ~~(2) A violation of subdivision (d) of Section 18060.5 is also~~  
9 ~~cause for citation if both the dealer and the manufacturer receive~~  
10 ~~written notice of a warranty complaint from the complainant, from~~  
11 ~~the department, or another source of information, and, at a~~  
12 ~~minimum, the 90-day period provided for correction of substantial~~  
13 ~~defects pursuant to Section 1797.7 of the Civil Code has expired.~~

14 ~~(3) Each citation and related civil penalty assessment shall be~~  
15 ~~issued no later than one year after discovery of the violation.~~

16 ~~(b) The amount of any civil penalty assessed pursuant to~~  
17 ~~subdivision (a) shall be one hundred dollars (\$100) for each~~  
18 ~~violation, but shall be increased to two hundred fifty dollars (\$250)~~  
19 ~~for each subsequent violation of the same prohibition for which a~~  
20 ~~citation for the subsequent violation is issued within one year of~~  
21 ~~the citation for the previous violation. The violation or violations~~  
22 ~~giving cause for the citation shall be corrected if applicable, and~~  
23 ~~payment of the civil penalty shall be remitted to the department~~  
24 ~~within 45 days of the date of issuance of the citation. Civil~~  
25 ~~penalties received by the department pursuant to this section shall~~  
26 ~~be deposited in the Mobilehome Manufactured Home Revolving~~  
27 ~~Fund.~~

28 ~~(c) Any person or entity served a citation pursuant to this~~  
29 ~~section may petition for, and shall be granted, an informal hearing~~  
30 ~~before the director or his or her designee. The petition shall be a~~  
31 ~~written request briefly stating the grounds for the request. Any~~  
32 ~~petition to be considered shall be received by the department~~  
33 ~~within 30 days of the date of issuance of the citation.~~

34 ~~(d) Upon receipt of a timely and complying petition, the~~  
35 ~~department shall suspend enforcement of the citation and set a time~~  
36 ~~and place for the informal hearing and shall give the licensee~~  
37 ~~written notice thereof. The hearing shall commence no later than~~  
38 ~~30 days following receipt of the petition or at another time~~  
39 ~~scheduled by the department pursuant to a request by the licensee~~  
40 ~~or department if good and sufficient cause exists. If the licensee~~

1 ~~fails to appear at the time and place scheduled for the hearing, the~~  
2 ~~department may notify the licensee in writing that the petition is~~  
3 ~~dismissed and that compliance with terms of the citation shall~~  
4 ~~occur within 10 days after receipt of the notification.~~

5 ~~(e) The department shall notify the petitioner in writing of its~~  
6 ~~decision and the reasons therefor within 30 days following~~  
7 ~~conclusion of the informal hearing held pursuant to this section. If~~  
8 ~~the decision upholds the citation, in whole or in part, the licensee~~  
9 ~~shall comply with the citation in accordance with the decision~~  
10 ~~within 30 days after the decision is mailed by the department.~~

11 ~~(f) Nothing in this section shall be construed to preclude~~  
12 ~~remedies available under other provisions of law.~~

